



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

David Butler, Director
Global Engineering and Facilities
Micron Technologies, Inc.
333 Phoenixville Pike
Malvern, PA 19355

Re: Notice of Violation
Compliance Evaluation Inspection
July 15, 2014
EPA ID No. PAR000520528

Docket No: R3-15-NOV-RCRA-11

Dear Mr. Butler:

On July 15, 2014, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of Micron Technologies, Inc. ("the Facility"), located in Malvern, PA, under the federally authorized Commonwealth of Pennsylvania Hazardous Waste Management Regulations ("PAHWMR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. On August 28, 2014, EPA sent a Request for Information ("RFI") to the Facility. The Facility provided the requested information in their response on September 26, 2014.

The Facility's monthly hazardous waste generation rate records for calendar year 2014, which were provided by the Facility as part of their RFI response, indicate that the Facility is a small quantity generator. Based on the inspection and the information provided in the RFI, EPA has determined that the Facility has violated regulations under PAHWMR and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"). The specific violations are:

1. **At the time of the inspection, the facility had failed to conduct a waste determination for the Decon-Spore 200 Plus being stored on site -** *The Facility's RFI response stated that the waste determination for the Decon-Spore 200 Plus was made after 7/15/14 and it was determined that it was a hazardous waste with waste codes D001, D002, and D003.* 25 PA 262a [40 C.F.R. §262.11] requires that a person who generates a solid waste, as defined in 40 C.F.R. §261.2, must determine if that waste is a hazardous waste.

2. **At the time of the inspection, the Facility had failed to date hazardous waste containers** - *One of the 55 gallon drums found in the solvent storage shed was labeled as a hazardous waste but was undated. One 55 gallon drum found in production maintenance room 1302B was labeled as a hazardous waste but was undated.* 25 PA 262a [40 C.F.R. §262.34(d)(4)] requires that a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month must comply with the dating requirements of 40 C.F.R. §262.34(a)(2).
3. **At the time of the inspection, the Facility had failed to properly label a universal waste container** - *A container found in mechanical room 1502, dated 9/21/10 and marked with the words "Universal Waste", contained fluorescent lamps. The universal waste label on the container did not indicate that the waste was lamps.* 25 PA 266a [40 C.F.R. §273.14(e)] requires that each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)".
4. **At the time of the inspection, the Facility failed to keep hazardous waste containers closed** - *Micron failed to keep the opening closed to four satellite storage containers which were marked with a hazardous waste label. The containers were found in lab rooms 1114 and 1108.* 25 PA 262a [40 C.F.R. §262.34(d)(2) and §265.173(a)] requires that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove water.
5. **At the time of the inspection, the Facility had a satellite accumulation area that was not at or near the generation point** - *An open tray of HPLC spent sample bottles, labeled as containing hazardous waste, and generated in lab room 1111 was being accumulated in a satellite area in lab room 1108.* 25 PA 262a [40 C.F.R. §262.34(c)(1)] requires that a generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, without a permit or interim status.

Within twenty (20) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Response to this NOV shall be addressed to:

Kelly L. Bunker
Land and Chemicals Division (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

March 30, 2015
Date

Enclosure

cc: Melissa Gross (PADEP) with Enclosure
Kelly Bunker (3LC70) w/o Enclosure

